

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Samuel Gitau,	)
Petitioner	)
	)
v.	)
	)
Bruce CHADBOURNE, Field Office Director,	Civil Action No.
Department of Homeland Security,	05 CV 10803-GAO
Immigration & Customs Enforcement; <i>et. al.</i>	)
	)
Respondents	)

**AGREED UPON MOTION  
TO  
EXTEND TIME TO RESPOND TO MOTION TO DISMISS**

The petitioner in this matter through his undersigned counsel moves that the time for the petitioner to respond to the respondents' Motion To Dismiss, filed on July 15, 2005, *be extended up to and including August 19, 2005*. The motion is supported as follows:

1. The undersigned counsel hereby certifies that he spoke with counsel for the respondents, Special Assistant United States Attorney Frank Crowley, on July 19, 2005 and that the *respondents through said counsel agree with and assent to this motion*.
2. Petitioner's counsel is a sole practitioner. Said counsel underwent abdominal surgery on July 8, 2005. As a result, said counsel has been required to be absent from his office and unable to work until July 18, 2005. Said counsel's ability to work full time remains diminished. The demands of said counsel's practice at this time, as has been affected by his medical condition, make it burdensome for the said counsel to adequately research the law and

appropriately respond to the respondents' motion, especially in light of recent developments in the law as cited in the respondents' memorandum, in particular, the REAL ID Act.

3. Petitioner has timely filed an appeal of his removal order from the United States. See Attachment "A" (Receipt from Board of Immigration Appeals).
4. No prejudice or added expense to the respondents' will result from granting this motion.

Dated: July 21, 2005

Respectfully submitted,

  
Chester J. Winkowski, Esq.  
Attorney at Law  
191 Merrimack Street - Suite 502  
Haverhill, MA 01830  
978 374 1680  
BBO# 530685

**Certificate of Service**

I hereby certify that I have on this date served a copy of the above document and all attachments thereto upon Frank Crowley, Special Assistant U.S. Attorney, Department of Homeland Security, P.O. Box 8728, JFK Station, Boston, MA 02114 by first class post prepaid.

Dated: July 21, 2005

  
Chester J. Winkowski



Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

5201 Leesburg Pike, Suite 1300  
Falls Church, Virginia 22041

**Winkowski, Chester J., Esquire**  
191 Merrimack Street  
Suite 502  
Haverhill, MA 01830-0000

**Office of the District Counsel/BOS**  
P.O. Box 8728  
Boston, MA 02114

**Name: GITAU, SAMUEL NBUGUA**

**A77-954-860**

**Type of Proceeding: Removal**

**Date of this notice: 07/15/2005**

**Type of Appeal: Case Appeal**

**Filed by: Alien**

**FILING RECEIPT FOR APPEAL**

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 07/14/2005 in the above-referenced case.

**PLEASE NOTE:**

In all future correspondence or filings with the Board, please list the name and alien registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

**WARNING:** If you leave the United States after filing this appeal but before the Board issues a decision, your appeal will be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. section 1001.1(q)).